

State of Connecticut

LAW PROVIDING FOR

Nominations by Direct Primaries

—AND—

BY PETITION

AS RECOMMENDED BY COMMISSION

1907

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PUBLICATION
APPROVED BY
THE BOARD OF CONTROL.

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STATE OF CONNECTICUT,
GENERAL ASSEMBLY, JANUARY SESSION, 1907.

An Act to Provide for Nominations by Direct
Vote or by Petition.

*Be it enacted by the Senate and House of Representatives
in General Assembly convened:*

DEFINITION AND CONSTRUCTION.

Section 1. The words and phrases in this act shall, unless the same be inconsistent with the context, be construed as follows:

1. The word "primary," the primary elections provided for by this act.
2. The word "election," a general election, or a city or borough election, as distinguished from a primary election.
3. The words "general election," the election held on the Tuesday after the first Monday of November as provided by the General Statutes.
4. The word "precinct," a district within which all qualified electors vote at one polling place.
5. The words "county clerk," the clerk of the Superior Court for that county.

This statute shall be liberally construed, so that the will of the electors may not be defeated by any informality or failure to comply with all provisions of law in respect to either the giving of any notice or the conducting of the primary or certifying the results thereof, provided the object of the provisions is substantially accomplished.

CANDIDATES AFFECTED.

Sec. 2. All candidates for the office of Governor, Lieutenant-Governor, Representative in Congress, State Senator, State Representative, Judge of Probate, or Sheriff, and all candidates for any City or Borough office the election to which is by ballot, shall, except as provided in Sections 17 and 20, be nominated at a primary held in accordance with this act, and, subject to the above exception, the names of no other candidates for those offices shall be printed on official ballots at any election, but this act shall not apply to nominations for special elections to fill vacancies in any of the above named offices.

Candidates for the office of U. S. Senator shall be nominated to the General Assembly at the October primary next before the session at which they are to be chosen, to the end that its members may thereby become acquainted, so far as may be, with the wishes of the electors in that regard.

PRIMARIES WHEN AND WHERE HELD.

Sec. 3. 1. A primary shall be held in each precinct throughout the State on the first Monday of October 1908, and biennially thereafter for the nomination of all candidates coming within its scope who are to be voted for at the ensuing general election.

2. City and Borough primaries shall be held fourteen days before the election for which such primaries nominate.

3. Primaries shall be held at the usual polling places or at polling places designated and advertised as in case of elections.

NOTICE OF PRIMARIES, HOW GIVEN.

Sec. 4. 1. At least sixty days before the time of holding an October primary, the secretary of state shall prepare and mail to each town clerk a notice in writing, designating the offices for which candidates are to be nominated at such primary.

Upon receipt of such notice such clerk shall, beginning not more than seven days thereafter, publish the same once in each week for two consecutive weeks and shall within ten days after the receipt of such notice cause notice of such primary to be posted in three public places in each precinct in his town, which notice shall state the time when the primary will be held in that precinct, together with the offices for which candidates are to be nominated, and said clerk shall also publish said last mentioned notice once not less than five nor more than fourteen days before the primary.

2. In case of city or borough primaries, the city or borough clerk shall cause two publications of a similar notice to be made in his city or borough and shall also post such notice in three public places in each election precinct therein, such publication to begin and posting to be done not more than twenty and not less than fifteen days before such primary election.

NOMINATION PAPERS, HOW PREPARED AND SIGNED.

Sec. 5. 1. The name of no candidate shall be printed upon a ballot used at any primary unless at least twenty days prior to such primary, if an October primary, and seven days prior thereto, if a city or borough primary, a nomination paper shall have been filed in his behalf as provided in this act in substantially the following form:

We, the undersigned, qualified electors.....
 in the town of.....(or the.....
precinct of the.....ward of the city
 of.....), county of.....and
 State of Connecticut, and members of the.....
 party, hereby nominate.....who resides at
 No.....on.....:.....street, city of.....
(or in the town of.....) in
 the county of.....as a candidate for the
 office of (here specify the office).....to be voted
 for at the primary to be held on the first Monday of October,
 19 , (or if for a city or borough primary, mention the
 date of that) as representing the principles of said party,
 and we further declare that we intend to support the candi-
 date named herein.

NAME OF SIGNER	STREET AND NO.	TOWN, CITY OR BOROUGH	DATE

2. All nomination papers shall have substantially the above form written or printed at the top thereof, and no signatures shall be counted unless they be upon sheets having such form in substance so written or printed.

3. Each signer of a nomination paper shall sign for the same office only so many papers as there can be incumbents of that office for whom he may vote, and shall add the town, city or borough of his residence with the street and number, if any, and the date of signing.

4. For all nominations, except for state offices, Representative at large, and U. S. Senators all signers of each separate nomination paper shall reside in the same town. For state officers, Representatives at large, and U. S. Senators all signers on each separate nomination paper shall reside in the same county. For city and borough officers all signers on each separate nomination paper shall reside in the same precinct which shall be designated on the paper. The affi-

davit of a qualified elector shall be appended to each such nomination paper, stating that he is personally acquainted with all persons who have signed the same; that he knows them to be registered electors residing as therein stated; that he knows that they signed the same with full knowledge of the contents thereof; that each signer signed the same on the date set opposite his name, and that he, the affiant, intends to support the candidate named therein. Such affidavit shall not be made by the candidate, but each candidate shall file with his nomination paper, or papers, a declaration that he will qualify as such officer if nominated and elected.

6. Such nomination papers shall be signed,—

(a) If for a state office, Representative at large, or U. S. Senator by at least one per cent. of the voters of the party of such candidate in at least each of six counties in the state, and in the aggregate not less than one per cent. of the total vote of his party in the state.

(b) If for a District Representative in Congress, by at least two per cent. of the voters of his party in at least one-quarter of the towns in each of the counties of the congressional district, and in the aggregate not less than two per cent. of the total vote of his party in such district.

(c) If for an office representing less than a congressional district in area, other than a city or borough office, by at least three per cent. of the party vote in at least one-third of the towns of the territory, and in the aggregate not less than three per cent. of the total vote of his party in such territory, nor less than twenty-five persons.

(d) If for a city or borough office by at least three per cent. of the party vote in at least one-third of the election precincts of the city or borough and in the aggregate not less than three per cent. of the total vote of his party in such city or borough, nor less than twenty-five persons.

The basis of percentage in each case except that of cities or boroughs shall be the vote of that party candidate for presidential elector who received the largest vote at the last preceding presidential election. In case of cities or bor-

oughs the basis of percentage shall be the vote of the party candidate receiving the largest vote at the last preceding city or borough election.

Any political organization, which at the last preceding general election was represented on the official ballot by regular party candidates, may, upon complying with the provisions of this act, have a separate column on the primary election ballot as a political party, if any of its candidates received one per cent. of the total vote cast at the last preceding general election in the state or subdivision thereof in which the candidate seeks the nomination.

Nomination papers may also be filed for independent candidates. Such papers except in the case of cities or boroughs shall contain at least two per cent. of the total vote cast at the last preceding presidential election in the state, or subdivision thereof in which the person is a candidate, for the person receiving the greatest number of votes for presidential elector, the signers to be distributed in each case as required by the provisions of this act. In the case of cities or boroughs such papers shall contain at least three per cent. of the vote for the last elected mayor or warden, and the signers shall be distributed as in subdivision (d). In these cases the nomination papers need not state the party of the signers, but shall state that the person nominated is to represent "independent principles."

Such candidates shall also have together a separate column on the primary ticket with the caption **Independent.**

NOMINATION PAPERS WHERE FILED.

Sec. 6. All nomination papers shall be filed as follows:

1. For State Officers, United States Senator, and Representatives in Congress, in the office of the Secretary of State.
2. For Sheriffs and State Senators in the office of the clerk of their county.
3. For State Representatives in the office of the clerk of the town to be represented. For Judges of Probate in the office of the clerk of the town where the probate records of the district are kept.

4. For City and Borough officers, in the office of the city or borough clerk.

Nomination papers for any candidate shall not be deemed to be filed within the meaning of this act until the following payments have been made to the official with whom they are directed to be filed. In the case of a State Officer, Representative at large or U. S. Senator, \$250. In the case of District Representative in Congress, \$150. In the case of Sheriff, \$100. In the case of State Senator, \$50. In the case of Judge of Probate, \$25. In the case of State Representative, \$25. In the case of a Mayor or Warden, \$50. In the case of Aldermen, Common Councilmen and Burgesses, \$15 each. In the case of all other City and Borough Officers, \$10 each.

If the candidate in whose behalf any of these sums has been paid receives ten per cent. of all the votes cast at the primary for his office, or dies or withdraws before the primary, the sum so paid for him shall be returned within ten days thereafter.

Payments made to the Secretary of State or to a County Clerk, and not so returned as aforesaid, shall be divided as soon as practicable after the primary among the towns of the State or County respectively in proportion to their registered electors. Payments made to Town, City or Borough clerks and not so returned shall be covered into their respective municipal treasuries.

PUBLICATION OF NAMES OF CANDIDATES.

Sec. 7. At least eighteen days before any October primary the Secretary of State shall mail to the clerk of each county a list containing the name and post office address of each person for whom the requisite nomination papers have been filed in the Secretary's office, and who is to be voted for within that county, together with a designation of the office for which he is a candidate, and the party or principle he represents.

Such clerk shall forthwith upon receipt thereof add thereto under the proper party and office designations, the names

and addresses of all persons for whom the requisite nomination papers have been filed with him and forthwith mail copies of such entire list to each town clerk in his county, so far as it is applicable to his town, who shall immediately post copies of the same in at least three public places in each precinct in his town, after adding to it the names of all candidates for whom the requisite nomination papers have been filed with him and the names of all candidates for Judge of Probate in his district. The clerks of cities and boroughs shall prepare a list of all persons for whom the requisite nomination papers for city or borough primaries have been filed with them, arranged under the proper offices and parties, and post a copy thereof at least five days before the city or borough primary in at least three public places in each precinct in their cities or boroughs.

PUBLICATION OF NOTICES.

Sec. 8. Every publication required in this act shall be made in at least two, and not to exceed four newspapers of general circulation in the territory represented by the officer making the publication. One of such newspapers shall represent the political party that cast the largest vote in such territory at the preceding general election, and one of such newspapers shall represent the political party that cast the next largest vote therein at the preceding general election.

In any case where the publication of a notice can not be made as hereinbefore required, it may be made in any newspaper having a general circulation in the county in which the notice is required to be published.

OFFICIAL BALLOTS.

Sec. 9. An official ballot for October primaries shall be printed and provided by the Secretary of State for use at each voting precinct in the form prescribed herein, and annexed hereto, upon the order of and upon information furnished by the town clerks of the respective towns. One hun-

dred and twenty-five ballots shall be provided for each one hundred registered electors. At the top of the ballot shall be printed the words **Official Primary Ballot**. Underneath shall be printed the name of the political sub-division where it is to be used.

Underneath that shall appear these instructions.

“To vote, make a cross ☐ in the square to the left of as many names for each office as is indicated opposite the title of that office.

To vote for a person not on the ticket, write or paste his name in the blank space at the end of the candidates for the office.

Vote only in one column or in the independent column and one other column.”

Below this the ticket shall be printed in parallel columns. At the head of the columns shall be printed the names of the political parties, candidates belonging to which are to be voted for, and at the head of one column the word **Independent**, if there are any independent candidates. In these columns under the proper headings shall be printed the names of all candidates for the respective offices for whom nomination papers have been duly filed.

The order of the offices on the ballot shall be determined by the Secretary of State.

The title of the office shall be immediately above the names of the candidates and to the right of the title shall be printed the words, “vote for one” or “two” or “three,” etc., as the case may be.

The names of the candidates for each office shall be separated by a light-face rule with a square at the left of the name and one blank place at the end of the names for written or pasted votes, and the spaces devoted to the several offices shall be separated by a black-face rule to separate such spaces clearly. The columns shall be separated by a black line about one-sixth of an inch wide.

The names under the office designations where there are more than one candidate shall be alternated in the printing, and the ballots when sent to the town clerks shall be sent in sealed packages and shall be assorted in the packages so that two ballots printed with a similar order of names

will not come together. These packages shall not be opened until ten minutes before the polls are opened, and shall first be delivered by the town clerk to the ballot booth tenders. No elector shall receive more than one of these ballots; but if he so defaces or injures it as to render it unfit for use he may return it to the ballot booth tender and receive another in its place. The Secretary of State shall determine the type to be used, and any other detail with reference to the ballots not prescribed by this act, provided the same is not inconsistent therewith. He shall print at least twenty-five duplicate, but unofficial, ballots on colored paper for inspection and send them to each town clerk with the official ballots and the town clerk shall post one of them forthwith in his office and distribute the rest singly to those who may request them. Ballots for use at city or borough primaries shall be similarly printed and arranged and delivered by the city or borough clerk and shall be given to electors only as is above provided in case of other primaries.

No elector shall vote in more than one column, except that an elector may vote in the independent column and one party column. Ballots otherwise voted shall be rejected.

If the name of a person is written or pasted on a ticket when the same person's name is printed under the same office in another column, the written or pasted name shall not be counted.

Except as above an elector may write or paste a name in the blanks left for that purpose, instead of marking one of the printed names, and the name so written or pasted shall then be counted.

If too many names are voted for under any office, none of them shall be counted.

Pencils shall be provided in the voting booths.

The ballot after being marked by the elector shall be placed in an official envelope sealed and delivered to the tender of a box to be provided for primary ballots which shall be used for that purpose alone and marked **Primary**.

The delegates from each town to the State Convention of each party shall be chosen at the October primaries. Nominations of candidates therefor shall be made by

nomination papers signed by at least twenty-five electors who are to be represented by the candidate. These papers shall be filed with the town clerk of the town of the candidate's residence, at least ten days before such primary, and at the same time two dollars shall be paid to the town clerk for each candidate for the use of the town. The names of these candidates shall be arranged by parties and printed on a separate ticket from that of the candidates for state offices, but in a similar manner. This ticket shall be printed by the town clerk at the expense of the town and shall contain the names of all candidates whose names have been filed with him as aforesaid. This ticket shall be voted in the same way and in the same envelope as the other primary ticket.

The requisite number of persons receiving the greatest number of votes shall be the delegates to the State Conventions of their respective parties.

EXPENSES OF PRIMARY, HOW PAID.

Sec. 10. All ballots, blanks, and envelopes to be used at any primary before a general election (together with the cost of delivering them to the towns) shall be paid for out of the treasury of the State, and out of the treasury of the city or borough in the case of city or borough primaries.

All expenses of the county clerk made necessary by this act shall be paid out of the county treasury.

All other expenses necessarily incurred in the preparation for or conduct of any primary, but not any expense incident to obtaining nomination papers, shall be paid in the same way as the expense of the ensuing election.

POLLS OPEN, HOW LONG.

Sec. 11. The polls at primaries shall be open during the same hours as for any town or municipal election which is being there held on the same day. If no town or municipal election is being so held on that day, then the polls shall be open from seven o'clock in the morning until five o'clock in the afternoon.

WHO MAY VOTE.

Sec. 12. No person shall be entitled to vote at any primary unless he be a qualified elector residing in the precinct and duly registered therein at the last general election or at the date of the primary.

THE LOCAL CANVASS.

Sec. 13. The local canvass of votes cast at any primary shall, except as herein otherwise provided, be made in the same manner and by officers appointed in the same way as the canvass of an election. Any returns required to be made to the Secretary of State shall be made on the day following the primary.

THE STATE CANVASS.

Sec. 14. The state board of canvassers provided to canvass the returns of a general election shall constitute the corresponding board of canvassers for October primaries, and all the provisions of law relating to the canvass of the returns of a general election shall, as far as applicable unless modified by this act, apply to the canvass, return, and certification to the secretary of state of such primary. The canvassers shall meet for this purpose at 10 o'clock A. M., on the Friday following the October primary.

THE CITY OR BOROUGH CANVASS.

Sec. 15. The canvass of the returns of a city or borough primary shall be made by the mayor, the clerk, and the treasurer of such city, or the warden, clerk and treasurer of such borough any two of whom shall constitute a quorum. Such board of canvassers shall meet at eleven o'clock in the forenoon of the day following the primary and canvass the vote. They shall make and certify duplicate returns as to the votes cast for each candidate and forthwith file one of them with the municipal clerk.

ACTION OF MODERATORS AND CANVASSERS FINAL.

Sec. 16. The decisions and returns of moderators and the decisions and certificates of canvassers shall be final and conclusive.

DECISION BY PLURALITIES.

Sec. 17. The person, or (if more than one person is to be elected to the office) the number of persons for whom one elector may vote at the ensuing election, receiving the greatest number of votes at a primary as the candidate or candidates of a party, or as independent candidate or candidates, for an office, shall be the candidate or candidates of that party or the independent candidate or candidates for such office, and his or their name or names and no other as such candidate or candidates shall be placed on official ballots at the following election for such office, provided such person if a candidate for Governor, Lieutenant-Governor, or Representative at large, received at least thirty per cent. of all the votes cast in the state for the party or independent ticket on which he ran.

If no person received the percentage of votes aforesaid as a nominee for either of the offices above mentioned, or if a person nominated for any office dies or withdraws before election or if no candidates or not enough candidates filed the requisite nomination papers for any office, the vacancy thus created may be filled by any method prescribed by the State Central Committee of the party on the ticket of which the vacancy occurs.

When there is an "independent" nomination for any office, the name of any person who was nominated at the same primary for an office for which no independent nomination was made, may be printed under the appropriate office title on the "independent" official ballot at the ensuing election with the written consent of a majority of the candidates nominated as independent which consent shall be filed with the Secretary of State before the election.

MISCELLANEOUS PROVISIONS.

Sec. 18. 1. In case of a failure to nominate by reason of two or more persons having the same number of votes the canvassers shall decide between them by lot.

2. It shall be the duty of the Secretary of State and Attorney General, before January 1st, 1908, to prepare all forms necessary to carry out the provisions of this act, which forms shall be substantially followed in all primaries held in pursuance hereof. Such forms shall be printed with copies of this act for public use and distribution.

GENERAL ELECTION LAWS TO APPLY.

Sec. 19. The provisions of the statutes in relation to the officers at the polls, the soliciting of voters, the challenging of voters, the manner of conducting elections, the counting of the ballots and making return thereof, and all other kindred subjects, shall *mutatis mutandis* apply to all primaries in so far as they are or shall be consistent with this act, the intent of this section being to place primaries to that extent always under the regulation and protection of the laws relative to elections.

NOMINATION BY PETITION.

Sec. 20. Nominations of candidates for any offices to be filled by all the electors of the state may be made by nomination papers stating as to each (1) his name, (2) his residence, (3) the office for which he is nominated, and (4), if desired, the political principle which he represents expressed in not more than twelve words, which papers shall be signed in the aggregate by not less than one thousand electors for each candidate of whom at least fifty shall reside in each county.

Nominations of all other candidates for offices to be filled at a general or city or borough election may be made by like nomination papers signed in the aggregate for each candidate by one elector for every fifty votes cast for governor at the preceding state election in the electoral district

or division to which the office pertains, but in no case by less than fifty electors, except that, in the case of candidates for city or borough offices, the governing vote shall be the entire vote last cast for mayor or warden.

Every elector who signs a nomination paper shall sign it in person with his full surname and christian name and the initial of every other name which he has and shall add his residence with street and number, if any, which residence shall be within the district to which the office in question pertains. Every elector may sign as many nomination papers for each office to be filled as there are persons to be elected thereto for whom one elector may vote, and no more.

One of the signers of each nomination paper or some other elector residing in that district shall make oath to the genuineness of the signatures thereon, and to the fact that the names of the signers appear on the last registry list of the precinct of their residence, a certificate of which oath shall be indorsed on said paper or attached to it.

Nomination papers after being perfected as aforesaid, shall be filed, (1) If for a state officer or Representative in Congress, with the Secretary of State at least ten days before the election, (2) If for a State Senator or Sheriff, with the county clerk of that county at least ten days before the election, (3) If for a Judge of Probate, with the clerk of the town where the records of that district are kept at least seven days before the election, (4) If for a State Representative, with the clerk of the town to be represented at least seven days before the election, (5) If for a city or borough office with the city or borough clerk at least seven days before the election.

The names of candidates for whom nomination papers have been filed as aforesaid may be printed on an official ballot for the ensuing election under the appropriate office title and under the principal caption of **"Nominated by Petition."**

No person whose name has been printed on an official primary ballot may be nominated for the same office by petition, but the name of any person who has been nominated at the preceding primary for an office for which no nomin-

ation has been made by petition may be printed under the appropriate office title on the "Nominated by Petition" official ballot aforesaid with the written consent of a majority of the candidates nominated by petition thereon, which consent shall be filed with the Secretary of State before the election.

If petitions are filed for the nomination of more than one person for the same office, only the name of that person on whose nomination papers the greatest number of proper and properly authenticated signatures appears shall be printed on the official ballot, which fact shall be determined by the official with whom the petitions are filed.

PENALTIES.

Sec. 21. Any person who shall offer or with knowledge of the same permit any person to offer for his benefit any bribe to an elector to induce him to sign any nomination papers whether for a primary or election, and any person who shall accept any bribe or promise of gain of any kind in the nature of a bribe as consideration for signing the same whether such bribe or promise of gain in the nature of a bribe be offered or accepted before or after such signing shall be guilty of a misdemeanor and be punished by a fine of not less than twenty-five nor more than five hundred dollars, or by imprisonment for not less than ten days nor more than six months, or by both such fine and imprisonment.

2. Any act declared an offense by the general laws of this state concerning caucuses and elections, shall also, in like case, be an offense in all primaries, and shall be punished in the same manner as therein provided, and all provisions of the law as to such caucuses and elections, except as herein otherwise provided, shall apply in such case with equal force and to the same extent as though fully set forth in this act.

3. Any person who shall write any name other than his own as a signer to a nomination paper whether for a primary or election, shall be deemed guilty of forgery, and

punished accordingly. Any person who, being in possession of nomination papers entitled to be filed under this act, or any act of the legislature, shall wilfully either suppress, neglect, or fail to cause the same to be filed at the proper time in the proper office, shall be punished by imprisonment not to exceed six months, or by a fine not to exceed five hundred dollars, or by both such fine and imprisonment.

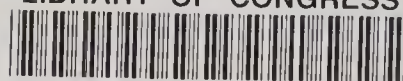
4. Any moderator or canvasser who shall in connection with a primary or with relation to a vote or votes or ballot or ballots therein cast wilfully make a wrong decision or return or certificate, shall be punished by imprisonment not to exceed six months, or by a fine not to exceed five hundred dollars, or by both such imprisonment and fine.

REPEAL.

Sec. 22. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

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